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EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF CIVIL SUPPLIES AND COOPERATION

NOTIFICATIONS

New Delhi, the 26th September 1977

G.S.R. 620(E).—In exercise of the powers conferred by sub-section (3) of section 1 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby appoints the 26th day of September, 1977, as the day on which the following provisions of the said Act shall come into force, namely —

- (i) sections 1, 2 and 3;
- (ii) sections 28 and 29;
- (iii) clause (b) of section 31,
- (iv) section 39;
- (v) sub-section (2) of section 48;
- (vi) section 54;
- (vii) section 63;
- (viii) section 67;
- (ix) section 69, 70, 71, 72, 73 and 74;
- (x) section 78, and
- (xi) section 83.

[No F WM-9(36)/77]

(1883)

नागरिक पूति और सहकारिता मंत्रालय

अधिसूचनाएँ

नई दिल्ली, 26 सितम्बर, 1977

स।० का० नि० 6:0(अ).—बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 1 की उम धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार 26 सितम्बर, 1976 को उम तारीख के रूप में निम्न करती है जिसकी उक्त अधिनियम के निम्नलिखित उमत्रय प्रवृत्त होंगे, यथा:—

- (i) धारा 1; 2 और 3;
- (ii) धारा 28 और 29;
- (iii) धारा 31 का खण्ड (ख),
- (iv) धारा 39;
- (v) धारा 48 की उपधारा (2);
- (vi) धारा 54;
- (vii) धारा 63;
- (viii) धारा 67,
- (ix) धारा 69, 70, 71, 72, 73 और 74,
- (x) धारा 78; और
- (xi) धारा 83 ।

[स।० का० उक्त्यू०म०-9(36)/77]

G.S.R. 621(E).—In pursuance of the provisions of sub-rule (4) of rule 1 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, the Central Government hereby appoints.—

- (a) the 26th day of September, 1977, as the day on which all the provisions of the said rules, except those specified in clause (b), shall come into force;
- (b) the 1st day of January, 1978, as the day on which the following provisions of the said rules shall come into force, namely.—
 - (i) rule 5,
 - (ii) clauses (e) and (g) of sub-rule (1) of rule 6;
 - (iii) rule 7;
 - (iv) sub rules (3), (4), (5) and (6) of rule 12;
 - (v) rules 13, 14, 18, 20, 21, 28, 29, 30, 31, 32; 33; and
 - (vi) so much of the provisions of rule 34 as relate to components, parts or material used in any workshop, service station or any other place where servicing and repairing of a bicycle or tricycle is undertaken.

[No F. WM-9(36)/77]

सा० का० नि० 621(अ).—बाट और माप मानक (पैकेज में रखी गई वस्तु) नियम, 1977 के नियम 1 के उप नियम (4) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार—तारीखें नियत करती है :—

- (क) 26 सितम्बर, 1977 को उस तारीख के रूप में नियत करती है जिसकी उक्त नियम के सभी उपबन्ध खण्ड (ख) में विनिर्दिष्ट उपबन्धों के सिवाय, प्रवृत्त होंगे,
- (ख) 1 जनवरी, 1978 को उस तारीख के रूप में नियत करती है जिसकी उक्त नियम के निम्नलिखित उपबन्ध प्रवृत्त होंगे, यथा :—
 - (i) नियम 5;
 - (ii) नियम 6 के उप नियम (1) के खण्ड (ङ) और (छ);
 - (iii) नियम 7;
 - (iv) नियम 12 के उप नियम (3), (4), (5) और (6);
 - (v) नियम 13, 14, 18, 20, 21, 28, 29, 30, 31, 32, 33, और
 - (vi) नियम 34 के उपबन्धों का उतना भाग जो किसी कर्मशाला, सर्विसस्टेशन अथवा अन्य स्थान, जहाँ बाइसिकल अथवा ट्राइसिकल की सर्विसिंग और मरम्मत की जाती है, में प्रयुक्त होने वाले घटकों, पुर्जों अथवा सामग्री से सम्बंधित है।

[स० फा० डब्ल्यू०एम०-9(36)/77]

टी० बालकृष्णन, सयुक्त सचिव।

G.S.R. 622(E).—In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules, namely—

1. Short title, extent, application and commencement.—(1) These rules may be called the Standards of Weights and Measures (Packaged Commodities) Rules, 1977

(2) They shall extend to the whole of India.

(3) They shall apply to commodities in the packaged form which are, or are intended or likely to be,—

(i) sold, distributed or delivered or offered or displayed for sale, distribution or delivery, or

(ii) stored for sale, or for distribution or delivery, in the course of inter-State trade and commerce.

(4) They shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for—

(i) different provisions of these rules, and

(ii) different commodities or classes of commodities,

and any reference in any provision to the commencement of these rules shall be construed as a reference to the coming into force of that provision or to the coming into force of these rules in relation to any commodity or classes of commodities, as the case may be.

Provided that they shall come into force in the State of Sikkim on the date on which Chapter IV of part IV of the Act comes into force in that state.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) "Act" means the Standards of Weights and Measures Act, 1976 (60 of 1976);

(b) "batch" means,—

- (i) in the case of packages which have been stored, where the total number of such packages does not exceed 100, all such packages, and where the total number exceeds 100 but does not exceed 10,000 all the packages of the same type and of the same production run,
- (ii) in the case of packages which are on or at the end of the packing line, the maximum hourly output of packages,
- (c) "combination package" means a package intended for retail sale, containing two or more individual packages, or individual pieces, of dissimilar commodities,

Illustration A package containing dissimilar commodities such as, spoons, knives, forks, cups, napkins, or the like, is a combination package,

- (d) "dealer", in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, carries on directly or otherwise, the business of buying, selling, supplying or distributing any such commodity, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent who carries on such business on behalf of any principal, but does not include a manufacturer who manufactures any commodity which is sold or distributed in a packaged form except where such commodity is sold by such manufacturer to any other person other than a dealer,
- (e) "drained weight" in relation to a solid commodity contained in a free flowing liquid, means the weight of such solid commodity after the liquid has been drained for a period of two minutes,
- (f) "fancy package" means a package, the container of which has a fancy trade value of its own in addition to the value of the commodity contained in such package,
- (g) "group package" means a package intended for retail sale, containing two or more individual packages, or individual pieces, of similar, but not identical (whether in quantity or size), commodities,

Explanation Commodities which are generally the same but differ in weight, measure or volume, appearance or quality are similar, but not identical commodities

Illustrations

(i) A package containing—

Two sponges — 100 mm × 75 mm × 20 mm

One sponge — 100 mm × 100 mm × 30 mm

Four sponges — 100 mm × 50 mm × 15 mm

is a group package;

(ii) A package containing assorted biscuits is a group package,

(iii) A package containing similar commodities of different brands is a group package

- (h) "manufacturer", in relation to any commodity in packaged form, means a person who or a firm or a Hindu undivided family which, produces, makes or manufactures such commodity and includes a person, firm or Hindu undivided family who or which puts, or causes to be put, any mark on any packaged commodity, not produced, made or manufactured by him or it and the mark claims the commodity in the package to be a commodity produced, made or manufactured, by such person, firm or Hindu undivided family as the case may be,
- (i) "maximum permissible error", in relation to the quantity contained in an individual package, means an error in deficiency or excess which, subject to the provisions of these rules does not exceed—
 - (1) in relation to the commodities specified in the First Schedule, the limits of error specified in that Schedule,
 - (ii) in relation to commodities not specified in the First Schedule, the limits of error specified in the Second Schedule
- (j) "multi piece package" means a package containing two or more individually packaged or labelled pieces of the same commodities of

identical quantity, intended for retail sale, either in individual pieces or the package as a whole,

Illustration A package containing "5 toilet soap cake, net weight 20 g each, total net weight 100 g" is a multi-piece package,

- (k) "packer" means a person who, or a firm or a Hindu undivided family, which, pre-packs any commodity, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale, whether wholesale or retail;
- (l) "pre-packed commodity" with its grammatical variations and cognate expressions, means a commodity which, without the purchaser being present, is placed in a package of whatever nature, so that the quantity of the product contained therein has a predetermined value and such value cannot be altered without the package or its lid or cap, as the case may be, being opened or undergoing a perceptible modification, and the expression "package", wherever it occurs, shall be construed as a package containing a pre-packed commodity,

Explanation . Where, by reason merely of the opening of a package, no alteration is caused to the name, quantity, nature or characteristic of the commodity contained therein, such commodity shall be deemed, for the purposes of these rules, to be a pre-packed commodity, for example, an electric bulb or fluorescent tube is a pre-packed commodity, even though the package containing it is required to be opened for testing the commodity.

- (m) "principal display panel", in relation to a package, means that part of a label which is intended, or is likely to be displayed, presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained in the package,
- (n) "quantity", in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package;
- (o) "retail dealer" in relation to any commodity in packaged form means a dealer who directly sells such packages to the consumer and includes, in relation to such packages as are sold directly to the consumer, a wholesale dealer who makes such direct sale,
- (p) "retail package" means a package containing any commodity which is produced, distributed, displayed, delivered or stored for sale through retail sales agencies or other instrumentalities for consumption by an individual or a group of individuals,
- (q) "retail sale", in relation to a commodity, means the sale, distribution or delivery of such commodity through retail sales agencies or other instrumentalities for consumption by an individual or group of individuals or any other consumer,
- (r) "retail sale price" means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer, inclusive of all taxes, transport charges and other dues;
- (s) "sale price", in relation to any commodity in packaged form means any one of the following prices namely:
 - (i) price, exclusive of freight, central sales tax and local taxes, and where such price is mentioned on the package, there shall be printed on the package the words "Max price", local taxes, CST and freight extra";
 - (ii) price inclusive of freight but exclusive of central sales tax and local taxes, and where such price is mentioned on the package, there shall be printed on the package the words 'Max price', taxes extra';
 - (iii) price inclusive of freight and central sales tax but exclusive of local taxes, and where such price is mentioned on the package, there shall be printed on the package the words 'Max price', local taxes extra';

- (iv) retail sale price, and where such price is mentioned on the package, there shall be printed on the package the words "Max retail price",

Explanation. Each of the prices specified in this clause shall be inclusive of all other taxes other than those specified in sub-clauses (i), (ii) and (iii) and shall also be inclusive of commissions payable to wholesale dealer and retail dealer and all other charges including advertisement, delivery, packing, forwarding and the like.

- (t) "section" means a section of the Act,
 (u) "standard package" means a package containing the specified quantity of a commodity,
 (v) "unit sale price" means the sale price per specified unit of weight, measure or number;
 (w) "wholesale dealer" in relation to any commodity in packaged form means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries.

Explanation. Nothing in this clause shall be construed as preventing a wholesale dealer from functioning as a retail dealer in relation to any commodity, but where he functions in relation to any commodity as a retail dealer, he shall comply with all the provisions of these rules which a retail dealer is required by these rules to comply

- (x) "wholesale package" means a package containing—

- (i) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer,
 (ii) a commodity sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity to the consumer in smaller quantities

CHAPTER II

PROVISIONS APPLICABLE TO PACKAGES INTENDED FOR RETAIL SALE

3. Chapter to apply to packages intended for retail sale.—The provisions of this Chapter shall apply to packages intended for retail sale and the expression "package", whenever it occurs in this Chapter, shall be construed accordingly

4. Regulation for pre-packing and sale etc. of commodities in packaged form.—On and from the commencement of these rules, no person shall pre-pack, or cause or permit to be pre-packed any commodity for sale, distribution or delivery unless the package in which the commodity is pre-packed bears thereon, or on a label securely affixed thereto, such declarations as are required to be made under these rules

5. Specific commodities to be packed and sold only in standard packages.—On and from the commencement of these rules, no person shall pre-pack, or cause or permit to be pre-packed, any commodity for sale, distribution, or delivery except in such standard quantities as are specified in relation to that commodity in the Third Schedule

Provided that the Central Government may, if it is satisfied that for any technical or mechanical reason it is not possible to pre-pack any commodity in the standard quantities specified in the Third Schedule, authorise the pre-packing of such commodities in such quantities as it, may specify

6. Declarations to be made on every package.—(1) Every package shall bear thereon or on a label securely affixed thereto a definite plain and conspicuous declaration, made in accordance with the provisions of this Chapter as, to—

- (a) the name and address of the manufacturer, or where the manufacturer is not the packer, of the packer or with the written consent of the manufacturer, of the manufacturer,

- (b) the common or generic names of the commodity contained in the package,

Explanation Generic name in relation to a commodity means the name of the genus of the commodity, for example, in the case of common salt, sodium chloride is the generic name

- (c) the net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package,
- (d) the month and year in which the commodity is manufactured or pre-packed,
- (e) the unit sale price of the commodity contained in the package if the retail sale price is mentioned by the manufacturer or the packer on the package,
- (f) the sale price of the package,
- (g) where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece,

(h) such other matters as are specified in these rules:

Provided that—

- (A) no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on—

- (i) any bottle containing liquid milk, liquid beverages containing milk as an ingredient, soft drink, ready-to-serve fruit beverages, or the like, which is returnable by the consumer for being refilled,
- (ii) any package containing bread and any uncanned package of (a) vegetables, (b) fruits, (c) ice cream, (d) butter, (e) cheese, (f) fish, (g) meat or (h) any other like commodity,

(iii) any package containing metallic product,

(iv) any cylinder containing liquefied petroleum gas or any other gas,

(v) any package containing chemical fertiliser,

- (B) where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month such packaging material may be used for pre-packing the concerned commodity produced or manufactured during the next succeeding month and not thereafter, but the Central Government may, if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer, as the case may be extend the time during which such packaging material may be used, and where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended to be used during the next succeeding month may be used for pre-packing the concerned commodity,

- (C) no declaration as to the sale price shall be required to be made on—

- (i) any uncanned package of (a) vegetables (b) fruits (c) ice cream (d) cheese, (e) butter (f) fish, (g) meat or (h) any other like commodity

(ii) any bottle containing liquid milk liquid beverages containing milk as an ingredient, soft drink, ready-to-serve fruit beverages, or the like which is returnable by the consumer for being refilled;

(iii) any bottle containing alcoholic beverages or spirituous liquor,

(iv) any package containing animal feed edible oil ghee or vanaspati exceeding 15 kg or 15.l,

- (v) any package containing a commodity for which controlled price has been fixed by or under any law for the time being in force

Explanation I The month and the year in which the commodity is pre-packed may be expressed either in words, or by numerals indicating the month and the year, or by both

Explanation—II Liquid milk does not include condensed milk

- (2) Every dealer or other person who makes a retail sale of any commodity in packaged form shall except where the retail sale price is already indicated on such package indicate the retail sale price on each package but where it is not reasonably practicable to indicate the retail sale price on each package he shall display prominently and at a conspicuous place of the premises in which he carries on his retail sale, the retail sale price of the commodity contained in such package
- (3) Where the retail sale price has not been mentioned by the manufacturer or the packer on the package the retail dealer shall display prominently and at a conspicuous place of the premises in which he carries on his retail sale the rates at which local taxes are leviable in respect of commodities sold in packaged form

7 Principal display panel—its area, size and letter etc—(1) The area of the principal display panel shall be not less than—

- (a) in the case of a rectangular container, forty per cent of the product of height and width of the panel of such container having the largest area,
- (b) in the case of a cylindrical or nearly cylindrical round or nearly round, oval or nearly oval container, twenty per cent of the product of the height and average circumference of such container
- (c) in the case of a container of any other shape twenty per cent of the total surface area of the container unless there is a label, securely affixed to the container, and such label has a surface area of not less than ten per cent of the total surface area of the container,

(2) In computing the area of the principal display panel, the tops, bottoms, flanges at tops and bottoms of cans and shoulders and necks of bottles or jars, shall be excluded

(3) In the case of a package having a capacity of five cubic centimetres or less, the principal display panel may be a card or tape affixed firmly to the package or container and bearing the required information

(4) The height of any letter or number in the declarations on the principal display panel shall not be less than that shown in Table I with respect to the principal display panel.

Provided that no letter or number shall be less than one third of its height

TABLE I

Minimum Height of Letter and Number

Sl No.	Area of principal display panel	Minimum height of letter or number	Minimum height of label information blown formed embossed or perforated on container
		mm	mm
	cm		
1.	Not greater than 25	10	20
2.	25 but not greater than 50	15	30
3.	50 but not greater than 100	20	40
4.	100 but not greater than 500	30	60
5.	500 but not greater than 2500	50	100
6.	2500 or more	100	150

8. Declaration where to appear.—(1) Subject to the provisions of sub-rule (2), every declaration required to be made under these rules, shall, where practicable, appear on the principal display panel and shall be ordinarily parallel to the base on which the package is intended by its manufacturer to rest

(2) As far as practicable, all information which are required by these rules to appear on the package or label, as the case may be, shall appear on the same panel and, shall be indicated together:

Provided that—

- (i) in the case of a container which is returnable by the consumer for being refilled, the required declarations may be made on the crown cork,
- (ii) in the case of a container made of any metal, glass, plastic or foil, the month and the year, in which the commodity contained in such container was manufactured or pre-packed, may be indicated either on the top or on the bottom of such container,
- (iii) in the case of a collapsible tube, the month and the year, in which the commodity contained in such tube was manufactured or pre-packed, may be indicated on the crimped end of the tube,
- (iv) in the case of a disc type container, the month and the year, in which the commodity contained in such container was manufactured or pre-packed, may be indicated either on the top or bottom of such container

(3) In a cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval shaped container, information required to appear on the principal display panel shall, as far as practicable, appear on that portion of the circumference of the container which is most likely to be displayed, presented or shown to the consumer or examined by him under usual conditions of display for retail sale.

(4) Except in the case of fancy packages, the base on which the package is intended by its manufacturer to rest shall not be used as the principal display panel.

(5) In fancy packages, the declarations required to be made under these rules may be made at the top or bottom of the package

9. Manner in which declarations shall be made—(1) Every declaration which is required to be made on a package under these rules shall be—

- (a) legible, prominent, definite, plain and unambiguous,
- (b) conspicuous as to size, number and colour,
- (c) as far as practicable in such style or type of lettering as to be boldly, clearly and conspicuously presented in distinct contrast to the other type, lettering or graphic material used on the package,

and shall be printed, painted or inscribed on the package in a colour that contrasts conspicuously with the background of the label.

Provided that,—

- (a) where any label information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, such information shall not be required to be presented in a contrasting colour;
- (b) where any declaration on a package is printed either in the form of hand-writing or hand-script, such declaration shall be clear, unambiguous and legible.

(2) No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.

(3) where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declaration the package itself is easily readable through such outside container or wrapper.

10. Declaration of name and address of the manufacturer, etc.—(1) Subject to the provisions of rule 7, every package kept, offered or exposed for sale or

sold shall bear conspicuously on the package, the name and complete address of the manufacturer, or where manufacturer is not the packer, of the packer, or with the written consent of the manufacturer, of the manufacturer

Provided that where by reason of the smallness of a package it is not reasonably practicable to indicate the name and complete address of the manufacturer or packer on package, it shall be sufficient compliance with this paragraph if a mark or inscription which would enable the consumer to identify the manufacturer or packer on the package.

Provided further that where any commodity manufactured outside India is packed in India, the package shall also contain on the principal display panel the name and complete address of the packer in India.

Explanation. "Complete address" means, in the case of a company, the address at which its registered office is situated, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer, and either the name of the city and State where the business is carried on by the manufacturer or packer or the PIN Code.

(2) The name of the manufacturer or packer shall be the actual corporate name, or if not incorporated, the name under which the business is conducted by such manufacturer or packer

11 General provisions relating to declaration of quantity.—(1) In declaring the net quantity of the commodity contained in a package, the weight of wrappers and materials other than the commodity shall be excluded:

Provided that where a package contains a large number of small items of confectionary, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionary contained in the package, the net weight declared on the package containing such confectionary or on the label thereof may include the weight of such immediate wrappers, if and only if, the total weight of such immediate wrappers does not exceed—

(1) eight percent, where such immediate wrapper is a waxed paper or any, other paper with wax or aluminium foil under strip, and

(11) six per cent in the case of any other paper, of the total net weight of all the items of confectionary contained in the package minus the weight of immediate wrapper.

(2) Where a commodity in a package is not likely to undergo any variation in weight or measure, on account of the environmental conditions, the quantity declared on the package shall correspond to the net quantity which will be received by the consumer, and the declaration of quantity on such package shall not be qualified by the words "when packed" or the like

(3) Save as otherwise provided in sub-rule (4), where a commodity in a package is likely to undergo variations in weight or measure on account of environmental conditions and such variation is negligible, the declaration of quantity in relation to such package shall be made after taking into account such variation so that the consumer may receive not less than the net quantity of the commodity as declared on the package, and the declaration of quantity on such package shall not also be qualified by the words "when packed" or the like.

(4) The declaration of quantity in relation to commodities specified in the Fourth Schedule, that is to say, commodities which are likely to undergo significant variations in weight or measure on account of environmental of other conditions may be qualified by the words "when packed" and when such qualification is made, the package containing such commodity shall also bear thereon information with regard to the matters specified in the said Fourth Schedule.

12 Manner in which declaration of quantity shall be expressed.—(1) The declaration of quantity shall be expressed in terms of such unit of weight, measure or number of a combination of weight, measure or number as would give as accurate and adequate information to the consumer with regard to the quantity of the commodity contained in the package

(2) Except in the cases of commodities specified in the Fifth Schedule, the declaration of quantity shall be in terms of the unit of—

(a) mass, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid,

- (b) length if the commodity is sold by linear measure,
- (c) area, if the commodity is sold by area measure,
- (d) volume, if the commodity is liquid or is sold by cubic measure, or
- (e) number, if the commodity is sold by number

Provided that in the case of solid commodity contained in a free flowing liquid which is sold as such the declaration of quantity shall be in terms of the drained weight of such solid commodity.

(3) Where the declaration of quantity has been made in terms of mass, the manufacturer or, as the case may be, the packer may, at his option, make an additional declaration on the package as to the number of commodities contained in the package

Illustration

A package containing rassogollas may indicate not only the drained weight of the rassogollas but also the number of rassogollas contained in the package

(4) Where the declaration of quantity by weight, measure or number alone is not sufficient to give to the consumer full information with regard to the dimensions or number of commodity contained in the package such declaration shall be accompanied by a declaration of the dimensions or number, or both, where necessary, of the commodity contained in the package.

Illustrations

Name of the commodity	Additional information required
(a) Acid in liquid form	Concentration in mass per unit volume.
(b) Fencing wire	Weight per 100 metre or diameter whichever is applicable
(c) Nails, wood screws	Size (length, diameter and type of thread)
(d) Ready-made garments	Linear measure
(i) shirt and similar garments	Neck size, in steps of one centimetre
(ii) Bushirts and similar garments	Chest size, in steps of five centimetres
(iii) Underwear intended to cover upper part of the body or any part of the upper part of the body	Chest size, in steps of five centimetres.
(iv) Underwear intended to cover lower part of the body or any part of the lower part of the body.	Waist size, in steps of two centimetres, and length, in steps of five centimetres
(v) Trousers and similar garments, ladies or gents	Waist size, in steps of two centimetres —length in steps of five centimetres.
(vi) Coat, overcoat and similar garments	Chest size, in steps of five centimetres and length, in steps of five centimetres.
(vii) Socks and similar garments	Foot size, in steps of one centimetre and if stretchable, the limits of stretching in centimetres.
(viii) Sweaters, Cardigans and similar garment.	Chest size, in steps of five centimetres.
(ix) Hats, caps and other headgears	Circumference of head in steps of one centimetre
(x) Sarees, Dhoties, Shawls, handkerchiefs, bed-sheet, pillow covers, towels and napkins.	Dimensions (length and breadth)
(e) Tyres and tubes	Size (metric units only)
(f) Yarn	Count.

(5) Where it is necessary to communicate to the consumer any additional information about the commodity contained in a package, such information shall also appear on the same panel in which the other information, as required by these rules, have been indicated.

Illustrations.

Additional information like the following is necessary to be communicated to the consumer, namely

- (a) in the case of a concentrate, the dilution ratio of that concentrate;
 - (b) in the case of a dehydrated commodity, the reconstitution ratio of that commodity,
 - (c) in the case of a package containing, say, Gulab-Jamun mix, the number of gulabjamuns that may be obtained from the mix and the weight of each gulabjamun,
 - (d) in the case of still films, the number of exposures which may be made and the length and width of individual exposures, to be expressed in millimetres, for example, 36 exposures, 36 mm x 24 mm,
 - (e) in the case of movie films and bulk still films, the linear measure of the usable film, to be expressed in metres,
 - (f) in the case of electrical or electronic appliances, the voltage and wattage, and also the output, of such electrical or electronic appliances;
 - (g) in the case of an electric bulb or other appliance intended to be used for illumination in addition to the information specified in clause (f), the illuminating power of such bulb or other appliance
- (6) The declaration of quantity shall not contain any word or expression which tends to create an exaggerated, misleading or in adequate impression as to the quantity of the commodity contained in the package, for example, words or expressions like—
- (i) "minimum", "not less than", "average", "about", "approximately" or any other word of a similar nature, or
 - (ii) "Jumbo", "giant", "full", "family huge", "economy", "large", "extra", "colossal", "king", "queen" or any other word or expression of a similar nature, shall not be used
- (7) Where, by reason of the smallness of a package, the declaration of quantity cannot be written on the container or on the label thereon, such declaration shall be made on a tag, card, tape, or any other similar device affixed to the container in such manner that it cannot be removed without opening the container and every such tag, card, tape or other device shall contain a mark or inscription which would enable the consumer to identify the manufacturer or packer, as the case may be.

13. Statement of Units of Weight, Measure or Number.—(1) The units of weight, measure or number shall be specified in accordance with the units specified in sub-rule (2) or sub-rule (3), as the case may be

(2) When expressing a quantity less than—

- (a) one kilogram, the unit of weight shall be the gram,
- (b) one metre, the unit of length shall be the centimetre,
- (c) one square metre, the unit of area shall be the square decimetre,
- (d) one cubic metre, the unit of volume shall be one cubic decimetre,
- (e) one cubic decimetre, the unit of volume shall be the cubic centimetre,
- (f) one litre, the unit of volume shall be the millilitre.

(3) When expressing a quantity of equal to or more than—

- (a) (i) one kilogram, but less than one tonne the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal sub-multiples of kilogram;
- (ii) one tonne, the unit of weight shall be the tonne, and any fraction of a tonne shall be expressed in terms of decimal sub-multiples of the tonne;
- (b) one tonne the unit of weight shall be the tonne, and any fraction of a metre shall be expressed in terms of decimal sub-multiples of the metre;
- (c) one square metre, the unit of the area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal sub-multiple of the square metre,

- (d) the cubic metre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic metre,
- (e) (1) one litre, but less than one kilolitre, the unit of volume shall be the litre and any fraction of a litre shall be expressed in terms of decimal sub-multiple of the litre,
- (ii) one kilolitre, the unit of volume shall be the kilolitre and any fraction of a kilolitre shall be expressed in terms of decimal sub-multiple of the kilolitre:

Provided that where the quantity to be expressed is equal to one kilogram, 1 metre, one square metre, one cubic decimetre, 1 cubic metre or one litre, as the case may be, such quantity may be expressed, at the option of the manufacturer or the packer, in terms of gram, centimetre, square decimetre, cubic centimetre, cubic decimetre or millilitre as the case may be.

Provided further that where the quantity to be expressed is equal to or more than 100 kilograms but less than 1000 kilograms, such quantity may be expressed, at the option of the manufacturer or the packer, in terms of quintal which is equivalent to 100 kilograms.

Illustrations.

- (a) Where the weight is 1500 grams, it shall be expressed as 1.5 kilogram.
- (b) Where the weight is 3500 kilograms, it shall be expressed as 3.5 tonnes
- (c) Where the length is 225 centimetres, it shall be expressed as 2.25 metres.
- (d) Where the volume is 1200 millilitres, it shall be expressed as 1.2 litre.
- (4) Units of weight or measure not specified in sub-rules (2) and (3) shall be expressed in accordance with the following principles, namely
 - (a) When expressing a quantity less than the standard unit, the quantity shall be expressed in terms of the milli unit, and where the quantity is less than one thousand the part of a unit, in terms of the micro unit, and so on
 - (b) When expressing a quantity more than the standard unit, the quantity shall be expressed in terms of the unit upto, but not including one thousand units, and where the quantity is one thousand units or more, but less than one million units, the quantity shall be expressed in terms of the kilo units, and where the quantity is one million units or more, the quantity shall be expressed in terms of mega units and so on;
 - (c) When the quantity is more than one standard unit but less than the next standard unit, the fraction shall be expressed in accordance with the decimal sub-multiples of the unit
- (5) When any commodity is packed by number, such number shall be expressed on the package in international form of Indian numerals, and every package intended to be sold by number shall be packed in the manner specified in the Sixth Schedule

(6) No number called the dozen (12), score (20), gross (144), great gross (1728) or the like shall be specified or indicated on any package

14 Unit Sale Price—How to be determined—For the purpose of determining the unit sale price of a package, the retail sale price of the package shall be converted mathematically to the unit of the weight, measure or number in accordance with which the unit sale price is required, by the Seventh Schedule, to be declared.

15 Additional declarations to be made on combination packages—(1) A combination package shall contain, in addition to the declaration required to be made under any other provisions of these rules, an indication of the net weight, measure or number, as the case may be, in respect of each commodity contained in the package and the sale price of the combination package.

16 Additional declarations to be made on group packages.—(1) The additional labelled separately and are capable of being sold separately, each such commodity shall bear thereon a declaration as to the quantity and the sale thereof

16 Additional declarations to be made on group packages.—(1) The additional declarations on a group package shall be expressed as follows

- (a) the number of pieces of each commodity contained in such package, followed by the net weight, measure or number, as the case may be;

- (b) the total number of pieces contained in the group package, and
- (c) the sale price of the group package

(2) When individual pieces in a group package are either packaged or labelled separately and are capable of being sold as individual pieces, each such piece shall bear thereon a declaration as to its quantity and the sale price thereof

17. Additional declarations to be made on multi-piece packages.—(1) Every multi-piece package shall bear thereon, in addition to the declaration required to be made under any other provision of these rules, a declaration of—

- (a) the number of individual pieces contained thereto,
- (b) the sale price of the multi-piece package;

Provided that where individual pieces contained in a multi-piece package are packaged or labelled separately and are capable of being sold separately each piece shall bear thereon a declaration as to the quantity and the sale price thereof.

(2) When a multi-piece package contains a number of smaller multi-piece packages each of which is capable of being sold separately, such multi-piece package shall also bear thereon a declaration as to the number of smaller packages contained therein and the quantity contained in each such smaller package

18. Declarations with regard to Dimensions of certain Commodities.—Where a package contains commodities, like bed-sheets, hemmed fabric materials, dhoties, sarees, napkins, pillow-covers, towels, table cloths or similar other commodities, the number and the dimensions of finished size of such commodities shall also be declared on the package or on the label affixed thereto

Provided that where the package contains more than one piece of different dimensions the package shall also contain a declaration as to the dimensions and the sale price of each such piece:

Provided further that the dimensions of the commodities and the sale price thereof shall also be marked on each individual piece.

19. Declaration with regard to Dimensions and Weight to be made on packages in certain cases.—Where the dimensions and weight, or combination thereof, of a commodity has or have a relationship to the price of that commodity, the declaration a quantity on the package containing such commodity, shall also include a declaration as to such dimensions, weight or combination

20. Declarations to be made with regard to the number of usable sheets to be stated.—In the case of a package containing sheets like aluminium foil, facial tissues, waxed paper, toilet paper or any other type of sheet, the declaration of quantity on the package shall also include a statement as to the number of usable sheets contained in the package and the dimensions of each such sheet

21. Declarations with regard to the Dimensions of container type commodities—how to be expressed.—Commodities, such as bags boxes, cups, pans or the like designed and sold in retail trade for being used as containers for other materials or objects, shall be labelled with the declaration of quantity as follows

- (i) for bag-type commodities—In terms of the number of bags which the package may contain, followed by linear dimensions of the bags, whether packaged in a perforated roll or otherwise

Illustration

- (a) For bags without gusset — “25 bags, 200 mm x 200 mm”;
- (b) For bags with gusset—“100 bags, 600 mm x 800 mm x 200 mm”;

- (ii) for square oblong, rectangular or similarly shaped containers.—In terms of the number of containers which the package may contain, followed by length, width, and if required, depth of the container

Illustration

- (a) “ 2 cake-pans, 200 mm x 200 mm”;
- (b) “ 1 roasting pan, 250 mm x 200 mm x 50 mm”;

- (iii) *For circular or generally round-shaped containers, not being cups or the like.*—In terms of the number of commodities contained therein followed by diameter and, if necessary, depth of the container.

Illustration

" 4 pans, 200 mm diameter x 100 mm"

- (iv) When the use of a container is related by label references, in terms of standard weight or measure, to the capability of the container to hold a specific quantity of a commodity or a class of commodities such references shall be included in the declaration of quantity

Explanation—I Containers which are intended to be used for liquids, semi-solids viscous materials or mixtures of solids, and liquids shall fall within the ambit of this rule

Illustration :

Freezer boxes—"4 boxes, 500 ml capacity, 120 mm x 100 mm x 70 mm"

Explanation—II Containers intended to be used for solids shall fall within the ambit of this rule.

Illustrations

(a) Bags—"8 bags, 100 kg capacity, 900 mm x 1500 mm";

(b) Cups—"20 cups, 200 ml capacity"

Explanation—III Where containers are used as liners for other more permanent containers, the declaration shall be in the same terms as are normally used to express the capacity of the permanent containers

Illustration :

Can liners—"10 liners, 450 mm x 100 mm, fits cans upto a capacity of 100 litres"

22 Cases in which the responsibility of marking sale price may be left to the whole-sale dealer.—(1) Notwithstanding anything contained in these rules, where any package containing edible oil or vanaspathi is intended to be sold, distributed or delivered through any whole-sale dealer, the manufacturer or, where the manufacturer is not the packer, the packer, may re-pack such commodity without marking the sale price of the commodity on the package and in the case of every such package, it shall be the duty of the whole-sale dealer to indicate on the package the retail sale price of the commodity contained therein before the package is displayed for sale or is sold, distributed or delivered to any retail dealer or directly to any consumer:

Provided that such indication of retail sale price shall be made with indelible ink, but if, instead of indicating the retail sale price in ink, any price sticker is used, such price sticker shall be affixed securely and shall also bear thereon the trade mark of the manufacturer or the packer, as the case may be, and once the price is so marked on the container or on its sticker shall not be altered or smudged

Provided further that such retail sale price shall be indicated strictly in accordance with the price communicated by the manufacturer or the packer, as the case may be and the wholesale dealer shall circulate a retail sale price list to each of the retail dealers

Explanation For the removal of doubts it is hereby declared that the retail sale price indicated by the wholesale dealer shall be inclusive of all taxes and other charges

(2) Where the sale price is not marked by the manufacturer or the packer on the package in pursuance of the provisions of sub-rule (1), it shall be the duty of such manufacturer or packer, as the case may be, to ensure that the retail sale price is marked by the wholesale dealer on each package before it is displayed for sale or is sold distributed or delivered

23 Provisions relating to wholesale dealer and retail dealers—(1) No whole-sale dealer or retail dealer shall sell, distribute, deliver, display or store for sale any commodity in the packaged form unless the package complies with, in all respects, the provisions of the Act and these rules

(2) No retail dealer or other person shall make any retail sale of any commodity in packaged form at a price exceeding the retail sale price thereof.

(3) Where a package intended for retail sale in which a commodity has been pre-packed is opened and the commodity contained therein is sold to one or more persons, the price to be charged from the purchaser shall bear the same proportion to the price of the package as the quantity sold to the purchaser bears to the total quantity contained in the package.

Provided that where any package containing any commodity specified in the Eighth Schedule is opened for the purpose of selling such commodity in smaller quantities in unpacked form, the price charged for the sale of such smaller quantities may exceed the proportionate price of such quantity by not more than five per cent of such proportionate price

Provided further that where any package, which has been damaged in transit or otherwise, is sold, the commodity contained in such damaged package may be sold in any quantity at a price which may be lesser than the proportionate price thereof.

(4) Where, after any commodity has been pre-packed for sale any tax payable in relation to such commodity is increased or any fresh tax is imposed on such commodity, the retail dealer or any other person, shall not make any retail sale of such commodity at a price exceeding the revised retail sale price, communicated to him by the manufacturer, or where the manufacturer is not the packer, the packer; and it shall be the duty of the manufacturer or packer as the case may be, to indicate by not less than 2 advertisements in one or more newspapers and also by circulation of notices to the dealers and to the Central Government, State Governments, and Governments of Union territories, the revised prices of such packages, but the difference between the price marked on the package and the revised price shall not, in any case, be higher than the extent of increase in the tax or in the case of imposition of fresh tax, higher than the fresh tax so imposed

Provided that publication, in any newspaper, of such increased price shall not be necessary where such increase is due to any increase in, or imposition of, any tax payable under any law made by the State Legislature;

Provided further that the retail dealer or other person, shall not charge such revised prices in relation to any packages except those packages which bear marking indicating that they were pre-packed in the month in which such tax has been increased or fresh tax has been imposed or in the month immediately following the month aforesaid

Provided also where the revised prices are lower than the price marked on the package, the retail dealer or other person shall not charge any price in excess of the revised price, irrespective of the month in which the commodity was pre-packed

(5) Nothing in sub-rule (4) shall apply to a package which is not required, under these rules to indicate the month and the year in which it was pre-packed.

(6) No retail dealer or other person shall obliterate, smudge or alter the sale price or the retail sale price, indicated by the manufacturer or the packer, as the case may be, on the package or on the label affixed thereto.

24 Procedure for examination of and determination of quantity and error in packages at the premises of the manufacturer or packer—(1) With a view to ascertaining whether any package or batch of packages complies with the provisions of these rules in all respects, the Director or any other person authorised under section 29 hereafter referred to as in these rules the authorised person may examine the packages and carry out the tests at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer, and when he carries out such examination or tests, he shall draw samples from such batch of packages, in such manner and in such number as are specified in the Ninth Schedule and the tests aforesaid shall be carried out in accordance with the method specified in the Tenth Schedule.

(2) The Director or the authorised person shall enter, in the Form set on in the Eleventh Schedule, the detailed results of the tests carried out by him under sub-rule (1) and shall obtain, on the said Form, the signature of the manufacturer or, as the case may be of the packer, or his authorised agent, or, in the

absence of both, or on their refusal to affix such signature, the signature of a competent witness. A copy of the data sheet containing the results shall be given to the manufacturer or packer, as the case may be

(3) On the completion of the examination and tests carried out under sub-rule (1), the Director or the authorised person shall make a report indicating therein his findings with regard to the declarations required to be made under these rules and as to the net quantity actually contained in the sample packages and the extent of error, if any, noticed by him and furnish a copy of such report to the manufacturer or the packer, as the case may be.

(4) If it appears from the report referred to in sub-rule (3) that—

- (a) the statistical average of the net quantity contained in the packages drawn as samples is lesser than the quantity declared on the packages or on the labels affixed thereto, or
- (b) the number of packages, showing an error in deficiency greater than the maximum permissible error, is more than five per cent of the packages drawn as samples, or
- (c) any such package shows an error in deficiency greater than twice the maximum permissible error.

the Director or the authorised person shall, if for good and sufficient reason, requested by the manufacturer or packer or his authorised agent, so to do, take out as soon as may be practicable, fresh samples and carry out fresh tests in accordance with the provisions of these rules and where fresh tests made, the Director or the authorised person, as the case may be, shall collect by way of reimbursement, from the manufacturer or packer, such sum, not exceeding rupees two hundred and fifty, as is, in his opinion, commensurate with the services so rendered:

Provided that where fresh tests are carried out, no package contained in the batch, which was previously tested under this rule, shall be sold or distributed by the manufacturer or packer, as the case may be, unless the provisions of the sub-rule (5) or as the case may be, sub-rule (6), are complied with

(5) (a) Where, as a result of any test carried out under this rule, it is found that any package contained in the batch does not conform to all or any of the provisions of the Act or of these rules, the manufacturer or the packer shall make a cent per cent check of the packages contained in the batch and pick out from the batch the packages which conform to all the provisions of the Act and of these rules.

(b) When the Director or the authorised person is satisfied that the packages picked out by the manufacturer or packer conform to all the provisions of the Act and of these rules, he shall authorise the sale, distribution or delivery of such packages.

(c) Where, as a result of such cent per cent check by the manufacturer or packer, any package is found to be not conforming to all or any of the provisions of the Act or of these rules, such package shall not be sold, distributed or delivered until it has been re-packed, re-processed or relabelled, as the case may be, in accordance with the provisions of the Act and of these rules.

(6) A batch of packages shall be approved for sale if, and only if, as a result of the tests carried out under this rule, it is found that—

- (a) the statistical average of the net quantity contained in the sample packages is equal to, or more than, the quantity declared on the package or on the label affixed thereto,
- (b) the number of packages, showing an error in deficiency greater than the maximum permissible error, is not more than five per cent of the packages selected as samples,
- (c) the extent of error in deficiency in none of such sample packages exceeds twice the maximum permissible error, and
- (d) each such package bears thereon or on a label affixed thereto—the declarations required to be made under these rules.

25. Action to be taken on completion of examination of packages at the premises of the manufacturer or the packer.—(1) If it appears from the report referred to in sub-rule (3) of rule 24 that,—

- (a) the statistical average of the net quantity contained in the packages drawn as samples under that rule is lesser than the quantity declared on the packages or on the labels affixed thereto; or
- (b) the number of packages, showing an error in deficiency greater than the maximum permissible error, is more than five per cent of the packages drawn under that rule as samples, or
- (c) any such package shows an error in deficiency greater than twice the maximum permissible error, or
- (d) any such package does not bear thereon or on a label affixed thereto the declarations to be made under these rules,

the Director or the authorised person shall take punitive action in accordance with the provisions of the Act against the manufacturer, or as the case may be, the packer as he may think fit:

Provided that no such punitive action shall be taken if fresh tests are carried out under sub-rule (4) of rule 24, but if after such fresh tests any such error or omission as is referred to in this sub-rule is detected, the Director or the authorised person shall take appropriate punitive action in accordance with the provisions of the Act against the manufacturer or, as the case may be, the packer

(2) Before taking any punitive action under sub-rule (1) the Director or the authorised person shall seize, in accordance with the provisions of the Act, the packages drawn by him as samples and shall take adequate steps for the safe custody of the seized packages until they are produced in the appropriate court as evidence.

(3) The disposal of the seized packages shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

26 Action to be taken with regard to packages examined at the premises of the wholesale dealer or retail dealer.—(1) Ordinarily, any test in relation to the net quantity contained in a package shall not be carried out at the premises of the retail dealer or the wholesale dealer, unless—

- (i) a complaint is received by the Director or the authorised person to the effect that the package sold or delivered to the complainant does not contain the quantity declared on such package or on the label affixed thereto;
- (ii) the Director or the authorised person has reason to suspect that any package has been tampered with or that there has been any pilferage or leakage of the commodity contained in the package;
- (iii) the Director or the authorised person has reason to suspect that any package, or any label affixed thereto, does not bear thereon all or any of the declarations which are required to be made under these rules.

(2) Where any test is carried out in pursuance of the provisions of sub-rule (1), the Director or the authorised person shall verify whether the quantity contained in the package corresponds to the quantity declared on such package or any label affixed thereto, and where the quantity contained in the package is less than the declared quantity, whether the deficiency is more than twice the maximum permissible error in relation to that commodity.

(3) Where the Director or the authorised person finds on a test carried out under this rule that the error in deficiency in any package kept or stored for sale, distribution or delivery at the premises of the retail or wholesale dealer, is more than twice the maximum permissible error in relation to that commodity he shall seize such package and take appropriate action against the retail dealer or the wholesale dealer, as the case may be, in accordance with the provisions of the Act:

Provided that where the package bears the legend "when packed", no punitive action shall be taken against the retail dealer or wholesale dealer if the Director or the authorised person is satisfied after necessary tests, that the deficiency in the quantity contained in the package is due to environmental conditions.

(4) Where, as a result of any test made under this rule, it is found that the net quantity contained in the package conforms to the declared quantity or where there is a deficiency, such deficiency is not more than twice the maximum permissible error, the retail dealer shall be at liberty to sell or deliver or distribute such commodity at the price determined on the basis of the quantity found on such tests.

(5) Where, as a result of any test made under this rule, it is found that any package, or any label affixed thereto, does not bear thereon all or any of the declarations required to be made under these rules, it shall be lawful for the Director or the authorised person to make such inquiries as to the source from which such package was received by the wholesale dealer or retail dealer and to take such punitive action against the wholesale dealer or the retail dealer, as the case may be, as he may think fit

27 Establishment of maximum permissible error on packages.—(1) The maximum permissible error in relation to the commodities specified in the First Schedule shall be such as is indicated in the corresponding entries in that Schedule against the concerned commodity and the maximum permissible error in relation to any commodity not specified in the First Schedule, shall be such as is specified in the Second Schedule;

Provided that the Director may establish the maximum permissible error in relation to any commodity not specified in the First Schedule, and on such establishment, the concerned commodity and the maximum permissible error in relation thereto shall be deemed to have been included in the First Schedule.

(2) The Director shall cause a co-ordinated programme to be undertaken, at such places and in such manner as he may think fit for the establishment of the maximum permissible error in relation to commodities referred to in sub-rule (1) or the proviso thereto.

(3) While establishing the maximum permissible error in relation to the net quantity of commodities contained in packages, due account shall be taken of the following causes which may lead to variation in the quantity, namely:

- (a) variations caused by unavoidable deviations in weighing, measuring or counting the contents of individual packages that may occur in good packaging practice,
- (b) variations caused by the ordinary and customary exposure to conditions, such as, climate, transport, storage or the like that normally occur in good distribution practice after the commodity is introduced in trade or commerce, and
- (c) variations due to the nature of packaging material or container.

(4) The Director shall determine, or cause to be determined, in relation to any commodity, the declaration in respect of the net quantity of which is permitted to be qualified by the words "when packed", the reasonable variations which may take place by reason of the environmental conditions.

28 Deceptive packages to be repacked or in default to be seized.—(1) If, on the determination of the quantity contained in the sample packages, the Director or the authorised person finds that the quantity contained in the package agrees with the declaration of the quantity made on the package or label thereon but the package is a deceptive package, he shall require the manufacture of the packer as the case may be, to repack and relabel such package and in the event of the omission or failure on the part of the manufacturer or the packer as the case may be, to repack or relabel such deceptive package, in accordance with the standards established by or under these rules, seize them, take appropriate punitive action in accordance with the Act and take adequate steps for the safe custody of such packages until they are produced in a court as evidence

Explanation. For the purposes of this rule, "deceptive package" means a package which is designed as to deliberately give to the consumer an exaggerated or misleading impression as to the quantity of the commodity contained therein, except where bigger dimensions of the package can be justified by the manufacturer or packer, as the case may be, on the ground that such dimensions are necessary for giving protection to the commodity contained in such package or for meeting the requirements of the machine used for filling such package.

(2) If the seized packages contain any commodity which is subject to speedy or natural decay, the Director or the authorised person shall dispose of the commodity in accordance with the rules made under the Act.

CHAPTER III

PROVISIONS APPLICABLE TO WHOLESALE PACKAGES

29. Declaration to be made on every wholesale package.—(1) Every wholesale package shall bear thereon a legible definite, plain and conspicuous declaration as to—

- (a) the name and address of the manufacturer or where the manufacturer is not the packer, of the packer;
- (b) the identity of the commodity contained in the package, and
- (c) the total number of retail packages contained in the wholesale package, if any, and the net quantity in terms of the standard unit of weight, measure or number of the commodity contained in each retail package.

CHAPTER IV

EXPORT AND IMPORT OF PACKAGED COMMODITIES

30. Declarations on packages intended for export.—(1) In this Chapter, "export package means a package intended for export.

(2) Every export package shall, notwithstanding anything contained in rule 6, bear on its principal display panel a legible and conspicuous declaration with regard to the following matters, namely:—

- (i) it is intended for export;
- (ii) the identity of the commodity contained in the export package and the net weight, measure or number of such commodity,
- (iii) the name and address of the manufacturer, and where the manufacturer is not the packer, of the packer.

(3) Where an export package contains two or more individually packaged or labelled pieces of the same or different commodities, such export package shall also bear on its principal display panel a legible and conspicuous declaration with regard to the following matters, namely:—

- (i) the number and description of such individually packaged commodities; and
- (ii) the net weight, measure or number of the commodities contained in such individual package.

(4) The Director or any other person authorised by the Director may inspect, or cause to be inspected, any package intended for export with a view to ascertaining whether the declarations as to the net weight measure, or number on the packages are accurate, and if the Director or authorised person is of the opinion that the declaration with regard to such matters is not correct or is false in material particulars, he may bring the matter to the notice of—

- (i) where such checking is made in the premises of the manufacturer or packer,
 - (a) the appropriate officer of customs, and
 - (b) the Ministry dealing with the export of the concerned commodity,
- (ii) where the checking is made at or near the custom stations,—
 - (a) the appropriate officer of customs, and
 - (b) the Ministry dealing with the export of the concerned commodity,

for such action as they may think fit.

(5) Where the person to whom any package is to be exported does not want any indication on the package to the effect that it is intended for export or that the name of the manufacturer or packer should be mentioned on the package, it shall be lawful for the manufacturer or packer to pack such commodity without complying with the provisions of sub-clause (i) or sub-clause (ii), or both, of sub-rule (2).

31. Export packages also to comply with the laws of the country to which they are being exported.—Every export package shall also comply with the law rules and regulations in force in the country to which such package is intended to be exported.

32 Restrictions on sale of export packages in India.—An export package shall not sold in India unless the manufacturer or packer has re-packed or re-labelled the commodity in accordance with the provisions contained in Chapter II, and where any export package is sold in India without such re-packing or re-labelling, such package shall be liable to be seized in accordance with the provisions of the Act

33 Provisions of Chapter II to apply to packaged commodities imported into India.—The provisions of Chapter II shall, as far as may be apply to packaged commodities imported into India.

CHAPTER V

EXEMPTIONS

34 Exemption in respect of certain packages.—(1) Nothing contained in these rules shall apply to any package containing a commodity if—

- (a) the marking on the package unambiguously indicates that it has been specially packed for the exclusive use of any industry as a raw material or for the purpose of servicing any industry, mine or quarry;

Provided that this exemption shall not be available in respect of—

- (i) any yarn which is sold in hands to handloom weavers
- (ii) any component, part or material used in any workshop, service station or for the purpose of servicing any industry, mine or quarry
- cle or motor vehicle within the meaning of the motor vehicles Act, 1939 (4 of 1939), is undertaken;
- (b) the net weight or measure of the commodity is twenty grams or twenty millilitres or less, if sold by weight or measure.

CHAPTER VI

REGISTRATION OF MANUFACTURERS AND PACKERS

35 Registration of Manufacturers and Packers.—(1) Every individual, firm, Hindu undivided family society, company or corporation who or which pre-packs any commodity for sale, distribution or delivery shall make an application, accompanied by a fee of rupees five, to the Director for the registration of his or its name and complete address, and every such application shall be made—

- (i) in the case of an applicant pre-packing any commodity at the commencement of these rules, within ninety days from such commencement, or
- (ii) in the case of any applicant who or which commences pre-packing of any commodity after the commencement of these rules, within ninety days from the date on which he or it commences such pre-packing.

(2) Every application referred to in sub-rule (1) shall contain the following particulars, namely —

- (a) the name of the applicant,
- (b) the complete address of the premises at which the pre-packing of one or more commodities is made by the applicant, and
- (c) the name of the commodity or commodities pre-packed by the applicant.

Explanation In this sub-rule, "complete address" has the meaning assigned to it in the Explanation to sub-rule (1) of rule 10

36 Registration of shorter address permissible.—(1) It shall be lawful for any manufacturer or packer to make an application to the Director for the registration of a shorter address, in addition to the complete address referred to in sub-rule (2) of rule 35

(2) The Director may, if he is satisfied after inquiry that the shorter address is sufficient to enable the consumer or any other person to identify the manufacturer or the packer, register such shorter address.

(3) Where a shorter address is registered by the Director, it shall be lawful for the manufacturer or packer to state such shorter address on the label of each commodity pre-packed by him or it

37. **Register of manufacturers and packers, etc.**—(1) The Director shall enter in a register, to be maintained by him for the purpose, the name and complete address of each manufacturer or packer by whom application for such registration has been made to him under rule 35.

(2) The register referred to in sub-rule (1) shall be open to the inspection of the public without the payment of any fee.

38 **Compilation of lists of manufacturers or packers and their circulation.**—The Director shall compile a State-wise list of the manufacturer and packers registered by him under rule 37 and shall circulate such list to the Controller of the concerned State to enable the Controller to take, or cause to be taken, samples at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer.

FIRST SCHEDULE

[See Rule 2(1)(i)]

Maximum permissible errors in relation to the quantity contained in the Individual Package

S. No.	Description of commodity	Quantity declared	Maximum permissible error
1	2	3	4
1.	Biscuits	(i) Upto and equal to 500 g (ii) Above 500 g	7 0% 6 0%
2.	Bread	(i) Upto and equal to 400 g (ii) Above 400 g upto and equal to 800 g (iii) Above 800 g upto and equal to 1200 g	8 0% 6 0% 4 0%
3.	Cement	50 Kg bag	2 0%
4.	Detergents cleaning /scouring powder and the like	(i) Upto and equal to 1 kg. (ii) Above 1 kg upto and equal to 3 kg (iii) Above 3 kg	5 0% 4 0% 1 5%
5.	Face cream	(i) Upto and equal to 25 g (ii) Above 25 g upto and equal to 100 g (iii) Above 100 g	4 0% 4 0% or 2 5 g whichever is less 3 0%
6.	Ghee, vanaspati and edible oils.	(i) Upto and equal to 1 kg (ii) Above 1 kg. upto and equal to 2 kg (iii) Above 2 kg upto and equal to 4 kg (iv) Above 4 kg	2 0% 1 5% 1 25% 0 6%
7.	Hair cream	(i) Upto and equal to 100 g ⁷ (ii) Above 100 g upto and equal to 200 g (iii) Above 200 g	—5 g 5 0% or 7 g whichever is less. 5 0% or 10 g whichever is less.
8.	Infant Foods including malted milk foods	(i) Upto and equal to 100 g (ii) Above 100 g upto and equal to 1 kg (iii) Above 1 kg	5 0% 4 0% 3 0%
9.	Liquid milk	(i) Upto and equal to 100 ml (ii) Above 100 ml upto and equal to 250 ml (iii) Above 250 ml	—5 ml —8 ml —10 ml

1	2	3	4
10.	Provisions sold in Polythene bags, or Plastic bags, Food-grains, pulses edible seeds, spices (whole or broken but not powdered), powdered commodities (such as, chilli powder, pepper powder, coffee powder, washing soda,atta table salt and the like), dry fruits seeds and other commodities (such as, sugar, gur khandasari and the like).	(i) Upto and equal to 100 g (ii) Above 100 g upto and equal to 500 g (iii) Above 500 g upto and equal to 1 kg (iv) Above 1 kg	3.0% 2.0% 1.5% 0.75%
11.	Safety Match boxes .	(i) containing upto 50 sticks (ii) containing more than 50 sticks	8.0% 6.0%
12.	Shaving cakes/sticks	For all quantities	3.0%
13.	Shaving cream .	(i) Upto and equal to 50 g ¹ (ii) Above 50 g upto and equal to 100g	—1 g —2 g
14.	Soap chips .	(i) Upto and equal to 1 kg (ii) Above 1 kg upto and equal to 3kg (iii) Above 3 kg	1.0% 0.3% 0.2%
15.	Talcum & face powder	(i) Upto and equal to 50 g (ii) Above 50g upto and equal to 100 g (iii) Above 100 g upto and equal to 300 g (iv) Above 300 g	6.5% 4.0% 3.0% 2.5%
16.	Tea	For all quantities	2.0%
17.	Toiletsoaps . . .	For all quantities	3.0%
18.	Tooth paste .	(i) Upto and equal to 50 g (ii) Above 50 g upto & equal to 125 g (iii) Above 125 g	5.0% 4.0% 3.0%
19.	Tooth powder .	(i) Upto and equal to 100 g (ii) Above 100 g	8.0% 8.0% or 15 g ¹ whichever is less
20.	Washing soap .	(i) Upto and equal to 150 g (ii) Above 150 g upto and equal to 300 g (iii) Above 300 g	4.5% 4.0% 3.0%

THE SECOND SCHEDULE

[See Rule 2(1) (H)]

Maximum permissible errors in relation to packaged commodities not specified in the First Schedule

1. *Classification of commodities packaged or sold by weight or volume*—(1) For the purpose of specifying the maximum permissible errors, packaged commodities not specified in the First Schedule, which are intended to be sold, delivered or distributed by weight or volume shall be divided into two classes, namely, classes 'A' and Class 'B'

(2) The following categories of commodities shall fall within Class 'A' namely—

- (a) commodities contained in a package, the net weight or volume of which does not exceed 25 gms. or 25 cubic centimetres or (millilitres),
- (b) commodities the flow properties, density or both, of which cannot be maintained constant except with the help of considerable special technical effort,
- (c) commodities containing several substances of different densities or different physical phases, the packaging of which requires special operation,
- (d) commodities which require special operations for packaging,
- (e) commodities which after they have been packed, are subjected to additional processing such as heat treatment, which is likely to effect the weight of the commodities in irregular and unpredictable manner,
- (f) commodities composed of pieces fragments or grains in which the maximum weight of each piece fragment or grain is greater than or equal to the maximum permissible error corresponding to the net quantity contained in that package, if the commodity, is considered as belonging to Class 'B',
- (g) liquid commodities

(3) Any commodity which does not fall within Class 'A' shall fall within Class 'B'.

2. *Maximum permissible errors' on net quantity declared by weight or volume.*—
(1) The maximum permissible error, in excess or in deficiency, in the net quantity by weight or volume of any commodity belonging to class 'A' or Class 'B' shall be as specified in Table I.

TABLE I

Maximum permissible errors on net quantities declared by weight or by volume.

Sl. No.	Declared quantity g or cm ³ (ml)	Maximum permissible error in excess or in deficiency			
		CLASS 'A'		CLASS 'B'	
		As percentage of declared quantity	g or cm ³ (ml)	as percentage of declared quantity	g or cm ³ (ml)
(i)	Not more than 25		9		
(ii)	more than 25 but not more than 50		9	4.5	
(iii)	more than 50 but not more than 100		4.5		2.25
(iv)	more than 100 but not more than 200		4.5	2.25	
(v)	more than 200 but not more than 300		9		5
(vi)	more than 300 but not more than 500		3	1.5	
(vii)	more than 500 but not more than 1000		1.5		7.5
(viii)	more than 1000		1.5	0.75	

(2) The maximum permissible error specified as percentage shall be rounded off to the nearest one-tenth of a gram or cubic centimetre (millilitre).

3. *Maximum permissible errors on net quantity declared by length area or number.*—
(1) The maximum permissible error, in excess or in deficiency, in the net quantity declared in terms of length area or number shall be as specified in Table II.

TABLE II

Maximum permissible errors on net quantities declared by length, area or number.

Sl. No.	Quantity Declared	Maximum permissible error in excess or in deficiency
(i)	in units of length	2 per cent of declared quantity upto 10 metres and thereafter 1 per cent of declared quantity
(ii)	in units of area	4 per cent of declared quantity upto 10 sq metres and thereafter 1 per cent of declared quantity
(iii)	by number	2 per cent of declared quantity.

THE THIRD SCHEDULE

(See Rule 5)

Commodities to be packed in specified quantities

1. The following commodities shall be packed only in such quantities by length, area or number as are specified in the corresponding entries against them.

S. No.	Commodities	Quantities in which to be packed
1.	Baby food including weaning food	200 g, 400 g, 500 g, 1000 g
2.	Biscuits	(i) Canteen packs: 25 g and 30 g, (ii) Exclusive Wrap pack 50 g, 60 g, 70 g, 80 g, 85 g, 90 g, 95 g, 100 g, and 110 g, (iii) Air tight cartons: 100 g, 120 g, 140 g, 150 g, 160 g, 170 g, 180 g, 190 g, 200 g, 210 g, 220 g, 230 g, (iv) Fancy tins and drums: No restriction but endeavour shall be made to pack in multiples of 10 g.
3.	Bread including brown bread but excluding buty	100 g, 200 g, 400 g, 800 g, 1200 g
4.	Butter, Cheese and allied products	25 g, 50 g, 100 g, 200 g, 250 g, 500 g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg.
5.	Cereals and pulses	100 g, 200 g, 250* g, 500 g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg
6.	Cereal products	200 g, 500 g, 1 kg and thereafter in multiples of 500 g
7.	Cigarettes, cigars, beedies and the like	10, 20, 50 and thereafter in multiples of 50 (25 only for beedies)
8.	Cleaning and sanitary fluids	50 ml, 100 ml, 200 ml, 500 ml, 1 litre and thereafter in multiples of 1 litre.
9.	Cleaning powder	50 g, 100 g, 200 g, 500 g, 600* g, 1 kg, 1.2* kg, 1.5 kg and thereafter in multiples of 500 g
10.	Condensed milk	400 g
11.	Coffee, tea, cocoa and other material which may be reconstituted as beverages.	25 g, 50 g, 100 g, 200 g, 250* g, 400* g, 500 g, 800* g, 1 kg and thereafter in multiples of 1 kg

S. No.	Commodities	Quantities in which to be packed
12.	Cooking oils, varaspati, ghee, margarine .	100 g, 200 g, 250* g, 500 g, 1 kg, 2 kg, 4* kg 5 kg and thereafter in multiples of 5 kg (15.5* kg for refined edible oils, 16.0* kg for other edible oils and 16.5* kg for vanaspati)
13.	Cosmetics and perfumes including all creams except dental and shaving.	25 g, 30 g, 35 g, 40 g, 45 g, 50 g, 60 g, 70 g, 80 g, 90 " 100 g, 120 g, 140 g, 160 g, 180 g, 200 g, and thereafter in multiples of 100 g. If net quantity is declared by volume the same number in millilitres.
14.	Hair oils (perfumed)	50 ml, 75 ml, 100 ml, 200 ml, 300 ml, 400 ml, 500 ml, 1 litre and thereafter in multiples of 1 litre.
15.	Hair oils (unperfumed)	100 g, 200 g, 250* g, 500 g, 1 kg, 2 kg, 3 kg, and thereafter in multiples of 5 kg. If net quantity is declared by volume the same number in millilitres.
16.	Ice cream (in bricks)	500 g, 1 kg and thereafter in multiples of 1 kg.
17.	Ice cream (in cups)	25 g, 50 g, 100 g, 200 g, 250 g. If net quantity is declared by volume the same number in millilitres.
18.	Jams, sauces, ketchup and the like	50 g, 100 g, 500 g, 1 kg and thereafter in multiples of 1 kg.
19.	Milk-liquid sweetened, unsweetened, flavoured.	50 ml, 100 ml, 200 ml, 500 ml, 1 litre, 2 litres, 5 litres and thereafter in multiples of 5 litres.
20.	Milk powder	500 g, 1 kg and thereafter in multiples of 500 g.
21.	Match sticks in boxes	10, 20, 50, 60 and 100 and thereafter in multiples of 50.
22.	Non-soapy detergents	40 g, 50 g, 100 g, 200 g, 250* g, 500 g, 700 g, 750* g, 1 kg, 1.5 kg, 2 kg and thereafter in multiples of 1 kg.
23.	Nuts, bolts, nails, screws and the like (in boxes).	5, 10, 20, 50, 100, 200, 500, 1000 and thereafter in multiples of 1000.
24.	Rassogulla, gulab-Jamun and other sweets, if sold by number.	5, 10, 20, 30, 40, 50, 100 and thereafter in multiples of 50.
25.	Rice (Powdered), flour, atta, rawa, suji. . .	100 g, 200 g, 250* g, 500 g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg.
26.	Salt	50 g, 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg.
27.	Shaving blades	1, 2, 3, 5, 10 and thereafter in multiples of 10.
28.	Shaving cream	30 g, 50 g, 70 g, 100 g, 125 g, 150 g and thereafter in multiples of 50 g.
29.	Soaps (a) Laundry soap	150 g, 200 g, 225* g, 250* g and thereafter in multiples of 50 g.

S. No.	Commodities	Quantities in which to be packed
	(b) Non-soapy detergent cakes/bars	125 g, 135*g, 170*g, 180*g, 250 g, 300 g and thereafter in multiples of 100 g.
	(c) Toilet soap cakes	25 g, 50 g, 75*g, 80 g, 85*g, 100 g, 120 g, 150 g and thereafter in multiples of 50 g.
30.	Soft drinks and other non alcoholic beverages including vegetable and fruit juices.	50 ml, 100 ml, 200 ml, 250* ml, 500 ml, 750 ml, 1 litre and thereafter in multiples of 1 litre.
31.	Spices	25 g, 50 g, 100 g, 200 g, 500 g, 1 kg and thereafter in multiples of 1 kg.
32.	Sugar, sugar cubes, khandasari molasses	100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.
33.	Toffees, boiled confectionary and the like	(i) Upto 10 pieces, by number provided that the net content does not exceed 20 g and thereafter by weight as follows: (ii) Fancy tins and drums: No restriction but endeavour shall be made to pack in multiples of 10 g.
34.	Tooth paste	25 g, 50 g, 75*g, 100 g, 200 g, 300 g, 500 g, 1 kg and thereafter in multiples of 1 kg 40*g, 50 g, 75 g, 100 g, 125 g, 150 g and thereafter in multiples of 50 g.

NOTE.—Ordinarily, commodities shall not be packed in any quantity marked with an asterisk (*), but where any commodity is packed in a quantity so marked with an asterisk (*), the practice of packing such commodity in such quantity shall be discontinued as early as possible but in any case not later than three years from the commencement of these rules.

THE FOURTH SCHEDULE

[See Rule 11(4)]

Declaration of quantity in relation to commodities (sold by weight or volume) which may be qualified by the words "when packed" and the additional information which the package or the label affixed thereto shall bear on it.

S. No.	Name of commodity	Additional information to be stated on the package
1.	Alcoholic liquors	per cent of alcohol
2.	Animal feed	
3.	Bread, bun and the like	
4.	Butter and cheese including pear ut butter (uncanned)	Fat content
5.	Cake	
6.	Cream (other than cream of milk)	
7.	Fertilisers	nutrient content.
8.	Fruits	
9.	Lotions	
10.	Margarine	
11.	Non-soapy detergents	
12.	Soap of all kinds other than toilet soap	
13.	Spirituuous products	
14.	Toilet soap	Total fatty matter as a percentage of the declared net weight of the soap.

THE FIFTH SCHEDULE

[See Rule 12(2)]

Exceptions referred to in Rule 12(2).

1. The following commodities in packaged form may be sold by weight, measure or number as shown against the commodity.

TABLE

S. No.	Commodity	Whether declaration to be expressed in terms of weight, measures or number or two or more of them
1.	Aerosol products	Weight
2.	Acids in liquid form	Weight or volume.
3.	Compressed or liquified gas (but not liquified petroleum gas).	Weight and equivalent volume at stated temperature and pressure.
4.	Curd	Weight
5.	Electric Cables	Length or weight
6.	Electric wire	Length
7.	Fencing wire	Length or weight
8.	Fruits, all kinds	Number or weight
9.	Furnace oil	Weight or volume
10.	Linseed oil and other vegetable oils	Weight
11.	Heavy residual fuel oil	Weight
12.	Industrial diesel fuel	Volume
13.	Honey, malt extract, golden syrup treacle	Weight
14.	Ice cream and other similar frozen products	Weight or volume
15.	Liquid chemicals	Weight or volume
16.	Liquified petroleum gas	Weight
17.	Nails, wood screws	Number or weight
18.	Paint (other than paste paint or solid paint), Varnish and varnish stains, enamels.	Volume.
19.	Paste paint, solid paint	Weight
20.	Rasgulla, Gulabjamun and other sweet preparations	Weight
21.	Ready-made garments	Number
22.	Sauce, all kinds	Weight
23.	Tyres and tubes	Number
24.	Yarn	Weight or length of yarn.

THE SIXTH SCHEDULE

[See Rule 13(5)]

The manner in which commodities intended to be sold by number shall be packed—

Where any commodity is packed by number, such packing shall be made unless otherwise provided in these rules in the following manner, namely—

- where the number is less than ten, by the integral number,
- where the number exceeds ten but does not exceed one hundred, in multiples of five;
- where the number exceeds one hundred but does not exceed two hundred, in multiples of ten;
- where the number exceeds two hundred but does not exceed five hundred, in multiples of twenty;
- where the number exceeds five hundred but does not exceed one thousand, in multiples of fifty;
- where the number exceeds one thousand, in multiples of one hundred

THE SEVENTH SCHEDULE

[See Rule 14(1)]

Manner of declaration of unit price

The unit of the weight, measure or number, in accordance with which unit sale price shall be declared, shall be as follows—

- (a) where the commodity is sold by weight, if the quantity declared on the package—
 - (i) does not exceed 100 grams in terms of one gram,
 - (ii) exceeds 100 grams, but does not exceed one tonne, in terms of one kilogram,
 - (iii) exceeds one tonne, in terms of one tonne.
- (b) Where the commodity is sold by volume if the quantity declared on the package—
 - (i) does not exceed 100 millilitres, in terms of one millilitre;
 - (ii) exceeds 100 ml. but does not exceed one kilolitre, in terms of one litre,
 - (iii) exceeds one kilolitre, in terms of one kilolitre.
- (c) Where the commodity is sold by length measure, if the quantity declared on the package—
 - (i) does not exceed 100 centimetres, in terms of one centimetre;
 - (ii) exceeds 100 cm., in terms of one metre.
- (d) Where the commodity is sold by area, in terms of one square metre;
- (e) Where the commodity is sold by number, in terms of one piece

NOTE.—The sub-paragraph (c) shall apply to commodities contained in a package, where the commodity is such that it may be sold separately by number.

THE EIGHTH SCHEDULE

[See Proviso to rule 23(3)]

1. Biscuits
2. Bread loaf
3. Confectionary
4. Edible oil Vaispathi
5. Fertilizers
6. Kerosene oil
7. Lubricating Oil.

THE NINTH SCHEDULE

(See Rule 24)

Manner of Selection of Samples of Packages

1. Where, by reason of the widely varying tare weight of packages, it is necessary to open any such package and to take out the commodity contained therein for the purpose of determining the net quantity contained in such package, and it is not practicable to re-fill or repack the commodity as to make the package a saleable one, or the commodity is such that it is likely to become unfit for consumption or use after it has been taken out from the package, the sample size shall be such as is specified in the corresponding entry in column (2) of Table I against the number specified in column (1) of the said Table

TABLE I

Number in batch	Sample size
Less than or equal to 500	8
501 to 3200	13
More than 3200	20

2. Where, for the determination of the net quantity of any commodity contained in a package it is not necessary to open the package for taking out the commodity therefrom or where it is sufficient to open and take out the commodity from not more than five packages, for the purpose of

determining the tare weight of such packages, the sample size shall be such as is specified in the corresponding entry in column (2) of Table II against the number specified in column (1) of the said Table

TABLE II

Number in batch	Sample size
100 to 150	20
151 to 280	32
281 to 500	50
501 to 1200	80
1201 to 3200	125
3201 and over	200

3. The samples referred to in paragraph 1 or paragraph 2 shall be selected at random in accordance with the manner specified in paragraph 4 and 5.

4. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples of packages stored by the manufacturer or packer in a warehouse, godown or at any other place, the sample shall be selected at random, from every batch of packages and shall be picked out from the top, bottom, centre, right, left, front and rear of the stocks so that the samples may adequately represent the packages in the batch.

5. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples from the place where the package is being filled such sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare weight of each container shall be accurately noted and thereafter the marked containers shall be introduced at random in the packing process so that, after the packages are filled it may be possible to determine whether the packages do contain the net quantity of the commodity as declared on the container.

Explanation—In this schedule “sample size” means the number of packages to be selected as samples.

THE TENTH SCHEDULE

(See Rule 24)

Determination of the Net Quantity of Commodities Contained in Packages

PART I—Equipments

1. *Equipments required.*—(1) The Director, or other person authorised by or under the Act, to determine the net quantity of commodity contained in any package, shall be provided by the concerned Government with adequate equipments and facilities to carry out his work to the required degree of accuracy in an expedient and efficient manner.

(2) The equipments, referred to in sub paragraph (1), shall ordinarily consist of working standard weights and balances, or any other weight or measure declared by the Director to be suitable for determining the net quantity contained in the concerned package;

(3) The Director or authorised person shall, before determining the net quantity contained in any package, ensure that the working standards and other equipments are functioning properly.

2. *Working Standards to be ordinarily used.*—(1) Ordinarily, working standards and other weights and measures, duly verified shall be used for determining the net quantities contained in packages and the errors, if any, in relation to the net quantity declared on the package

Provided that, where it is necessary to use the weights or measures owned or controlled by the manufacturer, packer or wholesale dealer as the case may be, such weights and measures shall not be used unless they are verified before use and no such weight or measure, shall be used unless the maximum permissible error of such weight or measure is twenty per cent

or less of the maximum error permitted in relation to the net quantity of the commodity contained in the packages.

(2) It shall be the duty of every manufacturer, packer or wholesale dealer to render such assistance to the Director or other authorised person as the Director or other authorised person may require in order to carry out his duties expeditiously and efficiently.

(3) Where any weight, measure or other equipment, owned or controlled by the manufacturer, packer or wholesale dealer is used by the Director or other authorised person for the determination of the net quantity contained in any package, such weight, measure or other equipment shall not be released by the Director or other authorised person until his work is completed.

PART II—Instructions with regard to the determination of quantity and error at manufacturer's or packer's premises.

3. Procedure for determination of quantity by weight at manufacturer's or packer's premises.—(1) If empty tare packages are available, take 10 such tare packages, cut them to the size which they would have on the filling and weigh them. Get the weight of one tare package by dividing the weight so arrived at by ten.

(2) In the absence of empty tare packages, one package from the sample shall be opened and the net weight of the commodity and the tare weight of the package determined. If the tare weight of the package is equal to or less than three tenths of the maximum permissible error for that concerned commodity of that quantity, it shall be assumed that the tare weight of one package so determined is valid for all the other packages in the sample, and the remaining packages shall then be weighed for gross weight, and thereafter the net weight of commodity contained in each package shall be obtained by subtracting the tare weight from the gross weight.

(3) If the tare weight of the package specified in paragraph (2) is more than three tenths of the maximum permissible error in relation to that commodity, four more packages in the samples shall be opened and the net weight of the commodity in each package as well as the tare weight of each package shall be determined. If the difference between the maximum tare weight and the minimum tare weight of five samples is equal to or less than four-tenths of the maximum permissible error for that commodity of that quantity, the tare weight of the package shall be taken as equal to the arithmetic mean of the five tare weights. The gross weight of the packages in the sample shall then be determined to the requisite accuracy and the average tare weight of the contained shall be subtracted from the gross weight to obtain the net contents of the commodity in each package in the sample.

(4) Where it is found on examining the first tare package, as described in sub-paragraph (2) that the tare weight of the container exceeds the limits specified in sub-paragraph (2) and sub-paragraph (3) and the determination of net contents cannot be carried out without opening the remaining packages, or it is not possible to use the procedure described in sub-paragraph (5) the size of the sample to be examined shall be restricted to that indicated in column (2) in accordance with the batch indicated in column (1) of Table-I of the Ninth Schedule and the determination of net quantity shall be carried out by opening all the packages in the sample.

(5) Where it is likely that the process of determination of the actual net quantity may be destructive and it is possible to feed empty package into the packing process without affecting the results, the following procedure shall be used:

- (a) the number of empty packages, depending upon the size of the batch, in accordance with columns (1) and (2) of Table II of the Ninth Schedule shall be selected.
- (b) the empty package shall be marked suitably to identify them from the other packages
- (c) the weight of each empty package, with its other parts which are to be fitted on it after it is filled shall be determined and the weight suitably recorded on the empty package and also on the Form specified in the Eleventh Schedule;
- (d) the empty package shall then be filled by introducing them in a random manner in the packing process, and such introduction shall be adequately

spread over the duration in accordance with which the size of the batch is determined.

(e) the marked packages shall be taken out after completion of the filling and sealing operations and each such filled package shall be weighed again to the requisite accuracy;

(f) the net quantity shall be obtained by deducting the tare weight, determined in accordance with clause (c) from the gross weight

(g) The Director or other authorised person shall enter results of his examination of gross weight, net weight and tare weight in the Form specified in the Eleventh Schedule along with such other observation as he may wish to make on the basis of his examination.

4 *Determination of liquid contents by volume*—(1) If the specific gravity of the liquid commodity filled in packages remains sufficiently constant for a batch and it is possible to determine accurately its specific gravity, the method of determination of net contents by weight, described in paragraph 3 may be used

(2) If the method described in sub-paragraph (1) is not feasible the containers shall be opened and the contents of each package poured out carefully into the appropriate volume measure.

(3) The reading of the actual net volume of the commodity in every package shall be noted carefully and recorded in the Form specified in the Eleventh Schedule.

5 *Verification of length of commodities*—(1) The sample shall be selected in the manner specified in the Ninth Schedule

(2) If it is not possible to measure the dimensions without opening the package, the packages shall be opened

(3) The length of the commodity shall be measured by means of a calibrated steel tape of suitable length

(4) If the actual length of the commodity is so great that it is not possible to measure it with the tape measure and a suitable length measuring instrument is available on the premises, that instrument shall be used, after duly calibrating it by suitable means, with the steel tape serving as a working standard of length,

(5) The reading of the actual length of the commodity in every package shall be noted carefully and recorded in the Form specified in the Eleventh Schedule

6 *Verification of commodities packed by number*—The Director or authorised person shall take packages from the sample drawn by him in the manner specified in the Ninth Schedule and determine the extent of error, by actual counting in each such package and may, for that purpose, open all packages

7 *Checking of unit price*—(1) The Director or authorised person shall calculate, from the total selling price of the package, and the declared net quantity, the price of the commodity in packaged form per unit of weight, measure or number by using the rule of three.

(2) The Director or authorised person shall note the difference, if any between the declared and calculated unit price

8 *Checking of other declarations*—(1) The declarations made on the package or on the label affixed thereto, shall be examined with a view to ascertaining whether such declarations conform to these rules.

(2) The additional declarations made on the package or on the label affixed thereto in respect of item (g) and (h) of sub-rule (1) of rule 3 shall also be examined to ascertain whether they are adequate

THE ELEVENTH SCHEDULE

(FORM A)

Weight Checking—Data Sheet

A	Particulars of Package		Name of Manufacturer/Packer			
			Address	Price	Month Year	
B	Commodity Classification		Lot size: Schedule First/Second Class A/B Maximum permissible error in percentage.		Sample size:	
C		Sample No.	Gross weight	Tare weight	Net weight/ error	Remarks.
Weight Checking Data.			1 200			
D	Results.		Declared weight		Avg Wt.	
E	GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THERE UNDER					
F			Signature & name of the Authorised person		Signature & name of manufacturer/packer authorised by manu- facturer or any com- petent witness.	
			Designation		Place	
			Date :			
			Time			

NOTE.— If the data sheet runs into more pages than one, the each continuation sheet shall bear the signatures specified in Part F

(FORM B)

Volume/Length Checking—Data Sheet

A	PARTICULARS OF PACKAGE		Name of Manufacturer/packer			
			Address	Price	Month Year	
B	COMMODITY CLASSIFICATION		Lot size: Schedule First/Second Class A/B Maximum permissible error in percentage.		Sample size	
					Time	

C	Sample No	Net Volume/Length	Error	Remarks			
VOLUME /LENGTH CHECKING DATA							
D Results		Declared Volume/Length		Avg Volume/Length			
E GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER							
F							
Signature & name of the Authorised persons		Signature & name of manufacturer/packer/authorised by manufacturer or any competent witness					
Designation							
Date :							
Time .							
Place .							

NOTE.—If the date sheet runs into more pages than one, the each continuation sheet shall bear the signature specified in Part F.

[No. F. WM-9(36)/77.]

T BALAKRISHNAN, Jt. Secy

महा प्रबन्धक, भारत सरकार मुद्रणालय, मिन्टो रोड, नई दिल्ली द्वारा
मुद्रित तथा निर्यत्रक, प्रकाशन विभाग, दिल्ली द्वारा प्रकाशित 1977